After World War II, marines were sent home to be congratulated by the President. The Montford Point Marines weren't even recognized for their service.

Decades after the doors opened at Camp Montford Point, in November of last year, Congress finally voted to award these honorable men with the highest civilian award in the United States because of their honorable and noble service to America. They were called to serve and they responded—nearly 20,000 strong.

Despite the poor treatment, despite the poor jobs, despite the substandard conditions, the Montford Point Marines served their country. Before all else, they were Americans. Archibald Mosley and his friends lived and breathed the Marine Corps motto, Semper Fidelis, ''Always Faithful.''

I am thankful that they did. I am also thankful that our Nation took the steps we did to ensure those brave Americans received the recognition they were denied for so many years.

Saul Griffin, Jr. and James France didn't live to see it, sadly, but Reverend Mosley and many of his fellow marines were able to make the trip to Washington this summer to receive the long delayed thanks from a grateful Nation.

ANNIVERSARY OF ENACTMENT OF THE LEAHY-SMITH AMERICA INVENTS ACT

Mr. LEAHY. Mr. President, Sunday marked the 1-year anniversary of the enactment of the Leahy-Smith America Invents Act. One year ago, I was pleased to stand on a stage at the Thomas Jefferson High School for Science and Technology in Virginia with House Judiciary Committee chairman LAMAR SMITH, Director of the U.S. Patent and Trademark Office David Kappos, Acting Commerce Secretary Rebecca Blank, and others. Together, we watched President Obama sign into law the most important changes to our Nation's patent laws in 60 years.

Many of the provisions of the legislation took effect on the 1-year anniversary, while other important changes, such as the shift to first-inventor-to-file, will take effect in 6 months. I commend the Patent and Trademark Office, PTO, for the work they have done, in a transparent manner, to prepare for the new procedures that take effect this week.

At its best, our patent system encourages exploration and invention, creating wealth, and providing jobs. Abraham Lincoln famously said that ''the patent system added the fuel of interest to the fire of genius.'' But when patents are granted on unpatentable subject matter or on obvious creations already in use, they can be misused to stifle competition.

The new patent law will aid the PTO in separating the wheat from the chaff, weeding out low-quality patents that infect our system, and bolstering those patents that truly advance ''the progress of science and useful arts.''

While the changes made by the patent bill were sweeping, I am under no illusion that they solved all the problems that confront our patent system. The assertion of patents is too often still used by patent trolls to extract payment even where there is not infringement of a valid patent because the cost of litigation makes settlement more expedient, and the ''tech patent wars'' among the large mobile phone companies show the perils to competition that can come when companies do not reach business-to-business resolutions of their patent disputes. But the improvements made by the Leahy-Smith America Invents Act will go a long way to making the system work better for inventors and implementers.

Enactment of the patent bill was more than a victory for American inventors, large and small; it was a demonstration that Congress can still work in a bipartisan, bicameral matter. I stood proudly on the stage 1 year ago with a Republican chairman of the House Judiciary Committee, watching the President sign a law on which Chairman SMITH and I had worked closely together for 6 years.

The legislative success of the patent bill shows what we can achieve when we put aside rhetoric and, instead, negotiate and collaborate in good faith. We held countless bipartisan, bicameral meetings, briefings, and discussions with all interested parties. We worked closely with Director Kappos, then-Secretary of Commerce Locke, and Members of Democratic and Republican leadership in both the Senate and the House of Representatives.

In short, the process that took the patent bill from the Congress to the President for his signature was one of which we can all be proud. In an increasingly partisan Congress, I was pleased to have the opportunity to lead a legislative process that was, from start to finish, both bipartisan and bicameral.

GENERAL CRAIG MCKINLEY

Mr. LEAHY. Mr. President, next month, a distinguished member of our Armed Forces will retire. I want to recognize and congratulate GEN Craig McKinley, who has spent the last 38 years in service to our country, and who has led the National Guard through a unique period of challenge, change, and triumph.

General McKinley's service began during another period of dramatic change. He received his commission as a distinguished graduate of the ROTC program at Southern Methodist University and entered undergraduate pilot training at Moody Air Force Base in Georgia in 1974. With the conclusion of military engagement in Vietnam, the nation's military leaders faced a number of questions, including the future role of the National Guard. These same questions would later guide General McKinley's efforts to lead the National Guard toward its current role as an operational force.

General McKinley has had a distinguished career, including assignments as an instructor pilot, the commander of the 125th Fighter Wing, the commander of the 1st Air Force, and the commander of the Continental United States Region of the North American Aerospace Defense Command. He served in the U.S. European Command and as Director of the Air National Guard. These assignments culminated in General McKinley earning his fourth star as Chief of the National Guard Bureau. He did all of this while logging over 4,000 flying hours in a wide range of aircraft and earning the rating of command pilot.

While I could reflect on many notable moments in General McKinley's career, I will never forget one in particular. It was November 10, 2011, when Senator LEVIN and Senator MCCAIN convened an historic hearing of all six sitting Joint Chiefs of Staff, the Department of Defense General Counsel, and General McKinley, to examine a proposal I had introduced to add the Chief of the National Guard Bureau to the Joint Chiefs of Staff. Despite the arguments against this change by all six sitting Joint Chiefs, General McKinley's measured and reasonable responses won the day. Ultimately, 71 senators came to agree with General McKinley and joined as cosponsors of what is known commonly as the second National Guard Empowerment Act. This bill became law in December 2011, and General McKinley was a decisive factor in this victory for the National Guard. Without his resolve to see the almost half a million men and women of the Guard represented at the top military panel in the national command structure, we would not have triumphed.

General McKinley has offered steady leadership to the Guard during a truly historic period. I am grateful to have had him as a partner. Without him, I doubt our nation would have the world-class operational reserve that we have today.

Congratulations, General McKinley. Best wishes to you, Cheryl, Patrick, and Christina as you retire to civilian life.

REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask unanimous consent that my letter to Senator MCCONNELL dated September 19, 2012, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, Sept. 19, 2012.

Hon. MITCH MCCONNELL,
Senate Minority Leader,
Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding the Local Courthouse Safety Act of 2012, S. 2076.

While I support the motive behind this legislation and believe ensuring the safety of state and local courthouses is a noble goal, I believe the responsibility to address this issue lies with the state and local governments. I do not believe the federal government has the authority under the Constitution to provide training for local and state law enforcement or to provide security equipment to state and local courthouses at the federal government's expense. Further, I believe the training program this bill authorizes duplicates existing federal training programs.

First, S. 2076 authorizes the Director of the State Justice Institute (SJI) to carry out ''a training and technical assistance program designed to teach employees of State, local, and tribal law enforcement agencies how to anticipate and respond to violent encounters during the course of their duties, including duties relating to security at State, county, and trial courthouses.'' The purpose of SJI is to further the development and adoption of improved judicial administration in state courts in the United States, which is not a federal responsibility under the Constitution. States are responsible for the administration of their courts. Adding an additional allowable purpose to SJI merely broadens the unconstitutional reach of this agency. Further, even though S. 2076 does not provide any additional funding for SJI the agency could use the authorization of additional responsibilities as a basis for requesting future appropriations from Congress.

Second, the SJI training program authorized in this bill potentially duplicates existing federal training programs available to state and local law enforcement. The following programs already exist:

1. U.S. Marshal Service's National Center for Judicial Security, Office of Protective Intelligence; Shares threat information with state and local law enforcement agencies and provides training to state and local law enforcement officers who provide courthouse security. Also, provides guidance and support to district offices and Judicial Security Inspectors (JSIs) conducting high threat proceedings and protective responses.

2. U.S. Marshal Service's National Center for Judicial Security Fellowship Program; Provides a three-month training program for state, local, and international ''court security managers.''

3. FBI's Uniform Crime Reporting (UCR) division and Law Enforcement Officers Killed and Assaulted (LEOKA) programs; UCR and LEOKA collect data on law enforcement officers who have been killed or assaulted in the line of duty. The FBI then conducts LEOKA training programs for state and local law enforcement personnel based on this data.

4. FBI's Law Enforcement Training for Safety and Survival (LETSS) program; Trains FBI, police officers, and international law enforcement personnel in survival techniques.

5. FBI Field Police Training program; Includes firearm training for state and local partners.

6. FBI's Law Enforcement Executive Development Association program; Trains heads of state and local law enforcement agencies with between 50 and 500 personnel.

7. Advanced Law Enforcement Rapid Response Training (ALERRT) program; Trains officers in dealing with violent situations, including those they face outside of buildings and in urban settings. Includes core classes such as ''Basic Active Shooter Level I and II,'' ''Terrorism Response Tactics—Advanced Pistol,'' ''Combat Rifle,'' ''Combat Pistol,'' ''Advanced Rifle Marksmanship,'' and ''DOD Sniped Course.''

8. Community Oriented Policing Services programs (COPS);

9. Department of Homeland Security's Federal Law Enforcement Training Center (FLETC) programs; and The Survival Shooting Training Program (SSTP) under FLETC is an eight and a half day training program that teaches law enforcement officers (LEOs) ''how to employ several types of weapon systems found in most police arsenals (the service handgun, shotgun, submachine gun and rifle). The LEOs will develop marksmanship skills as well as all pertinent gun handling skills (drawing from the holster, reloads, immediate action, movement and more) at a rapid yet controlled pace. Ultimately, the SSTP prepares the LEOs to survive a deadly force confrontation through competent decision making and confident gun handling skills.'' The Reactive Shooting Instructor Training Program (RSITP) under FLETC trains law enforcement instructors in handling their firearms to survive high-stress situations.

10. Bureau of Alcohol, Tobacco, and Firearms' National Firearms Examiner Academy programs. The training program includes training that enables state and local law enforcement officers to identify armed gunmen and increase their ''margin of safety.''

Finally, this bill gives state and local courthouses priority in obtaining excess federal security equipment for free from the Government Services Administration after a short request period is given to federal agencies. The courthouse would only pay the costs of transporting the equipment. Equipment purchased by the federal government—and thereby the American taxpayer—should be utilized by the federal government if at all possible. If not, federal agencies may have to purchase equipment they otherwise could have obtained for free but for the state and local governments taking it. Also, giving states and localities the ability to obtain this equipment for free may lead to situations where they acquire the equipment simply because it is free, not because they truly need it.

Article I, Section 8 of the Constitution enumerates the limited powers of Congress, and nowhere are we tasked with funding or becoming involved with state and local court security. I firmly believe this issue is the responsibility of the states and not the federal government. However, if Congress does act in this area, we should evaluate current programs, determine any needs that may exist, and prioritize those needs for funding by cutting from the federal budget programs fraught with waste, fraud, abuse, and duplication.

Congress must start making tough decisions rather than continuing to kick the can down the road, leaving our children and grandchildren to clean up the mess. It is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now over $16 trillion. That means over $50,000 in debt for each man, woman and child in the United States. A year ago, the national debt was $14.3 trillion. Despite pledges to control spending, Washington adds billions to the national debt every single day. In just one year, our national debt has grown by $1.7 trillion or 11.8%. We cannot continue to support federal funding for programs and initiatives that are not federal responsibilities as dictated by our Constitution. Otherwise, we will never get our fiscal house in order.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

INTERNAL REVENUE SERVICE AND 501(c)(4) ORGANIZATIONS

Mr. LEVIN. Mr. President, our representative form of government is based on the premise that citizens who vote in our elections are informed about who is seeking to influence elections. Sadly, we continue to see that information obscured by organizations who are misusing our tax code for political gain.

As we have discussed on this floor many times, the Supreme Court opened our campaign finance system to a torrent of unlimited and secret special-interest money in Citizens United. But even the Supreme Court acknowledged in Citizens United that disclosure is important:

''[P]rompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are in the pocket of so-called moneyed interests.'' Citizens United v. FEC, 130 S. Ct. 876, 916 (2010).

Yet, according to the Center for Responsive Politics, as of September 13, spending on political advertising by groups that either do not disclose, or only partially disclose their donors, has increased four-fold, from $32 million in the 2008 election to more than $135 million at the same point in the current election.

These groups are exploiting our tax code by organizing as tax-exempt ''social welfare'' groups and then spending tens of millions of undisclosed dollars on political campaigns.

The Internal Revenue Service (IRS)—the organization that grants these groups their tax-exempt status in the first place—should be protecting the voting public from these groups that pretend to be acting in the social welfare but are instead engaging in partisan politics.

The law in this area is clear. 26 U.S.C. §501(c)(4) states that ''Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes'' are exempt from taxation. The word ''exclusively'' is in the tax code for a reason. Congress didn't say ''partially,'' or ''primarily.'' We said that these groups had to be operated ''exclusively'' for the promotion of social welfare. The IRS, in writing the implementing regulations to the statute, said that, ''An organization is operated exclusively for the promotion of social welfare if it is primarily engaged in promoting in some way the common good and general welfare.'' [emphasis added] By substituting the word ''primarily'' in the regulation with the word ''exclusively'' in the statute, the IRS essentially redefined what Congress required a social welfare organization to be.

Mr. President, I asked the IRS for an explanation as to why they have not